



DEPARTMENT OF THE NAVY
NAVY RECRUITING COMMAND
5722 INTEGRITY DR.
MILLINGTON, TENNESSEE 38054-5057

IN REPLY REFER TO:

1130
Ser 00IG31/2U000233C
January 29, 2013

The Honorable Leonard Lance
Member, United States House Of
Representatives
ATTN: (b) (6)
425 North Avenue East Westfield
Westfield, New Jersey 07090

Dear Mr. Lance:

This is in response to your facsimile of January 16, 2013 concerning (b) (6) desire to enlist in the United States Navy.

For your and your constituent's information, all applicants desiring Navy enlistment are required to disclose all preservice criminal involvement regardless of age or final disposition, whether the record has been sealed, expunged, or dismissed. A charge dismissed or expunged after punishment, court mandated treatment, or other diversion program completed, is considered to be adverse adjudication, and applicants are required to disclose these charges. A Major Misconduct (felony) charge that is adjudicated as a Major Misconduct which is amended later to a lesser offense classification shall be considered a Major Misconduct conviction for enlistment purposes. If court documents indicate any pretrial intervention, fines, probation, or diversionary programs it will be considered a "conviction".

It is Navy recruiting policy that any applicant who has been a trafficker (intent to deliver/distribute/sell) of illegal drugs must be a mandatory rejection for enlistment/reenlistment in the Navy. Waivers are not granted.

We have been advised by Navy Recruiting District (NRD) New York that (b) (6) was charged with a major misconduct charge of possession with the intent to distribute. As indicated above, waivers are not authorized.

Nevertheless, a request for a waiver was submitted on (b) (6) behalf to this Headquarters' Legal Department for consideration. After reviewing all available information, (b) (6) request for a waiver was disapproved on December 12, 2012. Therefore, (b) (6) remains ineligible for Navy enlistment.

We trust this information will be of assistance in responding to your constituent. Thank you for bringing your constituent's concerns to our attention.

Sincerely,

(b) (6)

A large black rectangular redaction box covers the signature area.

Congressional and
Special Inquiries Branch
Office of the Inspector General
By direction of the Commander